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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,225	07/10/2002	Inge Henning Jenssen	032292-030	2583
3897	7590	02/11/2004	EXAMINER	
SCHNECK & SCHNECK P.O. BOX 2-E SAN JOSE, CA 95109-0005			LOFDAHL, JORDAN M	
		ART UNIT	PAPER NUMBER	
		3644		

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/089,225	Applicant(s) JENSSEN, INGE HENNING
Examiner Jordan Lofdahl	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 December 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
    4a) Of the above claim(s) 4, 5, 10-12, 19 and 20 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3, 6-9 and 13-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10 July 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Election/Restrictions*

Claims 4, 5, 10-12, 19 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 20.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "said second netting". There is insufficient antecedent basis for this limitation in the claim.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the locking rings located at the end of the netting means" and "locking rings located at the site of the bag rings" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The locking

rings are independently shown in fig. 3a, 3b and 3c, and not shown in the claimed location. It is unclear to the examiner from the drawings how and where these locking rings are used.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6, 8 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (772360).

As to claim 1, disclosed is fish bag means capable of transporting fish; a first and second bag ring (2 and 7); first and second netting means (read as the netting outside the rings (2 and 7)) and an opening reducing means (5). Not disclosed is the transporting speed being between 10 and 20 knots. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the transporting means being between 10 and 20 knots, since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. Not disclosed is the opening reducing means located between said fish bag and said netting means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the opening reducing means located between said fish

bag and said netting means, since it has been held that rearranging parts of an invention only involves routine skill in the art.

As to claims 2, 8 and 17, not disclosed are multiple fishing bags coupled together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the device with multiple bags coupled together, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art.

As to claims 3 and 18, disclosed are towing lines.

As to claim 6, disclosed is a tubular webbing material.

As to claim 14, disclosed is a tubular bag (1) formed of a webbing material; a bag ring (2 and 7); a netting outside the bag ring and each end of the bag with a purse line (5 and 8); a second purse line at the end of the netting (8). Not disclosed is a first purse line at the transition between the webbing material and the netting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the first purse line at the transition between the webbing material and the netting, since it has been held that rearranging parts of an invention only involves routine skill in the art.

As to claim 15, disclosed is a closed second purse line.

As to claim 16, disclosed is funnel shaped second netting.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen (772360).

As to claim 7, disclosed is a fish bag in the form of a tubular webbing material; bag rings; a second open netting (read as the material outside of ring (7)); and purse lines.

As to claim 9, disclosed are towing lines.

As to claim 13, disclosed is a flexible material.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on M-F 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703.306.4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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